

TOWN OF BARRINGTON PLANNING BOARD

Regular Business Meeting
Minutes of the April 7, 2015 Meeting
Council Chamber, Barrington Town Hall

Open Meeting: The meeting was called to order at 7:04 p.m.

Present: Michael McCormick – Chairman, Adamson Streit, Anne Galbraith, Christine O’Grady, Timothy Lang, Paul Dulchinos, Jean Robertson

Absent: Lawrence Trim, Jr., Edgar Adams

Also Present: Assistant Solicitor Amy Goins; Town Planner Philip Hervey; Council liaison Michael Carroll; Mary Ann Rosenlof, secretary

Consent Agenda

Item 3.1: Approve Minutes: March 3, 2015 Regular Business Meeting

Motion: There was a motion by Mr. Lang to approve the minutes as submitted; Ms. Robertson seconded the motion, which carried unanimously (7-0).

Public Hearings

4.1 Public Informational Meeting (continued) - Master Plan submittal for “Fox Run Major Subdivision,” a proposed eight-lot subdivision on the east side of Sowams Road, to include a new street (Assessor’s Plat 30, Lot 308).

Present: Fred Almeida, applicant, 152 Lincoln Ave., Barrington, RI 02806

The Board discussed the use of granite bounds versus iron rods used for this project. The Board would like to know standards used in other jurisdictions before deciding whether to grant a waiver and, eventually, amending the requirement in the Town’s subdivision regulation.

Peter Kirk, 7 River Oak Road, voiced concerns of potential drainage issues created by the new development. Mr. Kirk also commented on the importance of creating/keeping a natural boundary. The Board stated that the developer will be required to submit more detailed plans regarding trees, grading and drainage in the next phase of the plan. Mr. Almeida said that a large amount of land in the vicinity of the Palmer River will not be disturbed. Mr. Almeida said State officials have indicated a preference to locate the drainage retention basin to the south and east of the proposed road, rather than to the north, as originally proposed.

As requested from Ms. Johnson, 5 River Oak Road, Mr. Hervey described the ‘Findings’ and ‘Conditions of Approval’ for the Master Plan stage. Mr. Hervey also noted that, due to the length of the proposed street, mid-block roadway connection is not required and does not need to be addressed.

In response to a question from Mr. Kirk, Ms. Goins addressed the recent changes to State law regarding inclusionary zoning. She stated that any action of this Planning Board must comply with state enabling legislation.

Tim Faulkner, Land Conservation Trust, inquired as to the various stages of the plan. Mr. McCormick explained that the first phase, being the 'Master Plan' approval currently before the Board, is a conceptual level plan that deals with matters such as number of lots, affordable housing and other major issues. The 'Preliminary Plan' is the second phase and includes much more detail regarding storm water management, utilities, street design and landscape plans. The final plan approval is the last stage, and does not require a public hearing.

In an April 1, 2015 memo to the Planning Board, and in response to the direction provided by the Board on March 3, a motion was drafted by Mr. Hervey that would grant Master Plan approval for the 'Fox Run Major Subdivision'. Mr. Hervey provided the Board with a revision to page 2, paragraph 2 under 'Findings of Fact'. An additional change to that paragraph, suggested by Ms. Goins, was made based on the Board's discussion of the Town's Mandatory Inclusionary Zoning requirements.

Ms. Galbraith made a motion to approve the motion as drafted by Mr. Hervey on April 1, 2015 with amendments as discussed:

Motion: "The Barrington Planning Board hereby grants Master Plan approval for the 'Fox Run Major Subdivision,' as depicted on plans for property located on Sowams Road in the Town of Barrington, Rhode Island, Assessor's Plat 30, Lot 308, Residence 25 and Conservation Zoning Districts. Plans by: Waterman Engineering Co., 46 Sutton Avenue, East Providence, RI, dated January 13 2015, with revisions through February 9, 2015. Approval is based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. The proposed subdivision is consistent with the Comprehensive Community Plan in that the portion of the site to be developed is zoned for residential development (Residence 25) – designated as "Medium Density" (1 to 4 units per acre) on the Future Land Use Map. Further, the provision of affordable units as proposed is consistent with the following:
 - a. Comprehensive Plan Goal HN-3.1: Goal HN-3: Continue to comply with the State's 10 percent affordable housing goal through provision of well-integrated and compatible affordable housing.
 - b. Comprehensive Plan Policies HN-3.1.1 and HN-3.1.2, which call for capturing existing affordable housing.
2. The proposed development is in compliance with the standards and provisions of the Barrington Zoning Ordinance and the Zoning Enabling Act, as the Town's Mandatory Inclusionary Zoning requirements provide for a 20 percent density bonus allowing the minimum lot sizes to be reduced to 20,000 square feet in the Residence 25 zone. Provision of off-site affordable units, as proposed, together with the density bonus is consistent with the State's inclusionary zoning enabling legislation, as amended, which requires the Town to establish density bonuses and other incentives to offset differential costs of below-market units, and which provides that affordable units may be located off-site.
3. Based on information available at the master plan review stage, at this time there would be no significant negative environmental impacts from the proposed development as shown on the Plans, with all required conditions for approval, as the proposal includes conceptual measures to capture storm-water on-site. More detailed engineering will be required at the Preliminary Plan stage.

4. All proposed lots would have adequate and permanent physical access, with frontage on a new street extending into the site from Sowams Road.
5. The two affordable units contain one or more bedrooms, and are located within a mixed-use building on Bosworth Street, in the Business zone. The units are not located within the same school district, as is preferred; however, the location has the advantage of proximity to services and the RIPTA bus line on County Road.

Findings: Sidewalks

1. The Planning Board determines that the applicant shall submit a fee in lieu of providing a sidewalk, as the proposed roadway, a dead-end street, would not provide public access through the site to adjoining neighborhoods, a school or to outdoor public recreation space.

Conditions of Approval:

1. The applicant shall submit an “Inclusionary Housing Plan” as required under Sec. 200-81 of the Land Development & Subdivision Regulations. The plan shall include provisions to comply with the Town’s inclusionary zoning requirements, including but not limited to the following:
 - a. Affordability. The two off-site low- to moderate-income dwelling units shall be restricted as low- and moderate-income housing in accordance with R.I. General Laws 45-53.
 - b. Occupancy. The low-moderate income units shall be occupied prior to, or simultaneous with, the construction and occupancy of any market-rate units.
 - c. Construction Standards. Sec. 185-196B(4), which states: “Renovated off-site units shall be in full compliance with all applicable construction and occupancy codes, and shall be sufficiently maintained or rehabilitated so that all major systems meet standards comparable to new construction.
2. The applicant shall address to the satisfaction of the Town the comments in the Public Works Director’s memorandum dated February 11, 2015, on the Fox Run submission.
3. As required under Sec. 200-52 of the Land Development and Subdivision regulations, the utility plan shall provide for locating electric lines underground, unless the Public Works Director determines that subsurface conditions prevent burial of private utilities.
4. The applicant shall provide an engineer’s estimates for the cost of providing the required sidewalk and for establishing the improvement guaranty, subject to review by the DPW Director.”

Mr. Dulchinos seconded the motion, and a vote was held:

P. Dulchinos – Yea	C. O’Grady - Yea
A. Galbraith – Yea	J. Robertson - Yea
T. Lang – Yea	A. Streit - Yea
M. McCormick – Yea	

Motion carried, 7-0.

New Business

6.1 Minor Subdivision: 135 and 139 George Street (Assessor's Plat 37, Lots 53 and 57), located on the west side of George Street at the Barrington-Swansea, Mass., line. Proposed subdivision of Town-owned property zoned Residence 40-Conservation Development would result in two house lots and enlarge an open space parcel acquired for use as a cemetery.

Mr. Hervey explained that on March 2, 2015, the Town Council authorized the Town to subdivide 135 and 139 George Street, a 10.3-acre site acquired by the Town for a cemetery and other purposes. The intent of the subdivision is threefold:

- Shrink a 2.8-acre lot containing a ranch house at 139 George Street, to 40,000 square feet.
- Carve off a conforming house lot containing an existing cape house at 135 George Street, utilizing the front portion of the lot designated for cemetery use and a portion of the 2.8-acre lot.
- Add the remaining "extra" land not included in the two house lots to the cemetery lot.

The subdivision enables the Town to sell both houses, and adds open land to the cemetery lot. The Council also voted to prevent further development of the property through legal restrictions.

Mr. Hervey stated that the two homes on George Street will not be sold as 'affordable' homes.

Ms. Galbraith made a motion to approve the motion as drafted in an email from Phil Hervey to Andy Teitz on April 2, 2015 with the 2nd 'Finding of Fact' as amended by Ms. Goins to refer to the setback on parcel "B", and to add additional language at the beginning and end of 'Condition 1.d' as amended by Andy Teitz in an email to Mr. Hervey on April 4, 2015.

Motion: "The Barrington Planning Board hereby grants Preliminary Plan approval for the 'Minor Subdivision Plan – AP 37, Lots 53 & 57,' as depicted on plans for property located on George Street in the Town of Barrington, Rhode Island, Assessor's Plat 37, Lots 53 and 57, Residence 40-Conservation Development zoning district. Plans by: Waterman Engineering Co., 46 Sutton Avenue, East Providence, RI, dated March 16, 2015. Approval is based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. The proposed subdivision is consistent with the Comprehensive Community Plan in that the subdivision would create two house lots that conform to zoning, while the cemetery property is designated as "Recreation & Open Space" on the Future Land Use Map.
2. The proposed development is in compliance with the standards and provisions of the Barrington Zoning Ordinance, as the two house lots conform to the minimum dimensional regulations of the R40-CD district. While the house on Parcel "C" is within the minimum front-yard setback, the proposed subdivision does not increase this nonconformity. Finally, the frontage requirement does not apply to the cemetery lot, which is to be used as open space.
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Plans, as both house lots are currently developed, and the cemetery lot would remain open space.

4. All proposed lots would have adequate and permanent physical access, with frontage on George Street.
5. The sidewalk fee is not applicable, as no new street is proposed.

Conditions of Approval:

1. The following revisions shall be made:
 - a. Rename the plan for indexing purposes in the Land Evidence Vault.
 - b. Correct the address of the Town of Barrington (owner), and the zoning designation (R40-CD, not R40)
 - c. Add granite bounds at all eight property corners of the two house lots.
2. Concurrently with recording of the final plan, record deed restrictions and/or protective covenants consistent with the Town Council motion of March 2, 2015, and subject to review of the Town Solicitor.

The Administrative Officer is authorized to approve the final plan.”

Mr. Dulchinos seconded the motion, and a vote was held:

P. Dulchinos – Yea	C. O’Grady - Yea
A. Galbraith – Yea	J. Robertson - Yea
T. Lang – Yea	A. Streit - Yea
M. McCormick – Yea	

Motion carried, 7-0.

Reports & Special Items

Comprehensive Plan: Mr. McCormick thanked everyone for their hard work on the Comprehensive Plan that was approved by the Town Council on March 25, 2015. The plan is to start working on implementation at the next Planning Board meeting. Mr. Carroll also expressed his appreciation to everyone. Mr. Hervey noted that the State said this is one of the best plans that they reviewed.

Energy Committee: Ms. O’Grady reported that the Energy Committee requested that Mr. Hervey draft an ordinance for solar installations in preparation for a pilot program that is currently in place in Smithfield, RI. She has a model ordinance from Massachusetts, and noted that the State is going to follow Massachusetts procedures. Ms. O’Grady also said that the street light project is moving forward. Mr. Hervey discussed a proposal the Town received from PRISM (Partnership for Rhode Island Streetlights Maintenance) – established by the Washington County Regional Planning Council – to enter into a regional maintenance contract on behalf of municipalities. PRISM could also assist with the conversion to LED technology.

Police Cove Park: Mr. Hervey reported that construction is scheduled to begin the week of April 19th. The Town is working to provide limited access during construction to the boat ramp for people who have the moorings in the vicinity of the site. RIPTA will also be impacted by the loss of their parking spaces; the agency has notified the public about alternative park and ride lots available in the area. The project is expected to be completed by the end of July 2015.

Comments from Board Members, Council Liaison, Town Planner

No comments.

Adjournment

Upon a motion by Mr. Streit, the Board voted to adjourn the meeting at 8:20 p.m.